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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

OSCAR SOTO,

Defendant and Appellant.

D049399

(Super. Ct. Nos. SCD198195 &  
199014)

APPEAL from a judgment of the Superior Court of San Diego County, Frank A. Brown, Judge. Affirmed.

In superior court case No. SCD199014, Oscar Soto entered a negotiated guilty plea to taking or driving a stolen vehicle. (Veh. Code, § 10851, subd. (a).) He admitted a prior conviction of taking or driving a stolen vehicle and serving four prior prison terms. (Pen. Code, §§ 666.5, subd. (a), 667.5, subd. (b).) The court sentenced him to prison for a stipulated seven years: the three-year middle term for taking or driving a stolen vehicle

with a prior conviction of the same crime, enhanced by four one-year terms for prior prison terms.

In superior court case No. SCD198195, Soto entered a negotiated guilty plea to selling a controlled substance. (Health & Saf. Code, § 11379, subd. (a).) The court imposed a prison term concurrent with the term in case No. SCD199014. The record does not include a certificate of probable cause. (Cal. Rules of Court, rule 8.304(b).)<sup>1</sup>

### FACTS

The record does not include a preliminary hearing transcript or a probation report. Based on Soto's statements in his plea agreements, he voluntarily drove a vehicle without the owner's consent, and he helped facilitate the sale of methamphetamine.

### DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues: (1) whether Soto's guilty pleas are constitutionally valid; and (2) whether Soto was properly advised he would receive a seven-year prison term under the plea agreement.

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<sup>1</sup> Nor does the record include a Notice of Appeal. However, Soto filed a motion for an "Order for typewritten transcript of sentencing hearing and for clerk's transcript to consist of abstract of judgment, commitment order, and points and authorities." We treat this motion as a Notice of Appeal.

We granted Soto permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Soto on this appeal.

#### DISPOSITION

The judgment is affirmed.

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BENKE, Acting P. J.

WE CONCUR:

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HUFFMAN, J.

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McINTYRE, J.